

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILFREDO TORRES,

Plaintiff,

– *against* –

CITY OF NEW YORK, et al.,

Defendants.

ORDER

No. 19-cv-6332 (ER)

Ramos, D.J.:

Defendants submitted a letter motion to the Court on March 8, 2024 indicating that Torres has repeatedly failed to cooperate with Defendants to schedule his deposition and thereafter failed to appear at the scheduled deposition. Doc. 265. They requested that the Court enter an order compelling Torres to appear for a deposition on April 9, 2024 and extend the fact discovery deadline to April 12, 2024. *Id.* The Court granted the request on March 8, 2024. Doc. 266. The Court warned that Torres' failure to appear for his deposition could result in dismissal of the action for failure to prosecute pursuant to Fed. R. Civ. P. 41(b).

Torres now writes the Court to oppose the motion to compel on the basis that several of the Court's interlocutory procedural and scheduling orders are currently on appeal before the Second Circuit. Doc. 267.

The Court has already granted the motion to compel, and Torres' opposition does not change that result. The interlocutory appeals of those orders does not affect discovery scheduling, as no stay has been granted.

Torres must appear for his deposition on April 9, 2024. The Court reiterates that failure to do so may result in dismissal of the action for failure to prosecute pursuant to Fed. R. Civ. P.

41(b).

It is SO ORDERED.

Dated: March 14, 2024
New York, New York

A handwritten signature in blue ink, appearing to read 'Edgardo Ramos', is written above a horizontal line.

Edgardo Ramos, U.S.D.J.